



Mary Fallin
Governor

FILED

MAY 29 2014

**OKLAHOMA SECRETARY
OF STATE**

**EXECUTIVE DEPARTMENT
EXECUTIVE ORDER 2014-20**

Today, I have signed into law House Joint Resolution 1033. This Resolution authorizes the Oklahoma Capitol Improvement Authority to issue bonds to pay for the repairs at the State Capitol Building that are so desperately and urgently needed. Certain Sections of the Resolution create a State Capitol Repair Expenditure Oversight Committee (Committee), staffed by six (6) legislators and three (3) gubernatorial appointees. This Committee is tasked with development of an advisory tenant plan for use by the Office of Management and Enterprise Services (OMES) and vendors OMES hires for repairs to the interior of the State Capitol. The advisory Committee will provide input to OMES as to what should be included in the selection criteria for vendors, the scope of the repairs, and the appropriate phasing of renovation. For many years, I have championed repairing the People's House in a fiscally prudent manner, which is exactly what this Resolution accomplishes.

As I sign this Resolution, I am fully aware of Article 5, Section 23 of the Oklahoma Constitution which prohibits a member of the Legislature from receiving an appointment to an office which exercises the powers of the Executive Branch. This Resolution does not violate that constitutional provision. In fact, such an interpretation would clearly flout the plain wording of the Resolution and the legislative intent of our State's representatives. The Resolution's language carefully circumscribes the Committee's duties to those of a purely advisory group. The Committee has no role in issuing the bonds that will facilitate the repairs. The Committee cannot approve expenditures. The Committee cannot approve the budget for the restoration. The Committee has no control over the physical property that constitutes the Capitol Building. The Committee has no control of activities related to the exterior of the Capitol Building. Pursuant to Sections L and N of the Resolution, the *sole* purpose of the Committee is to prepare and approve a project programming plan for the repair of the tenant areas of the State Capitol Building. After that plan is developed, the Committee submits it to the Director of OMES. Although the plan is submitted to the Director, it remains a purely advisory document containing recommendations; accordingly, its creation by the Committee cannot fairly be considered to be either a usurpation of an executive function, or an exercise of sovereign power. The ultimate authority is, in fact, left to the Director of OMES to ensure that any renovations are made in accordance with State law, and, **to the extent possible**, in conformity with the Committee's recommendations. Requesting deference to an advisory group, *where possible*, is simply not the same as legislatively delegating controlling authority to the Committee. Moreover, it is entirely appropriate that the Legislature be afforded an opportunity to voice its recommendations as to how to best repair the tenant areas of the Capitol Building, given that the Legislature conducts its most important work within the Capitol.

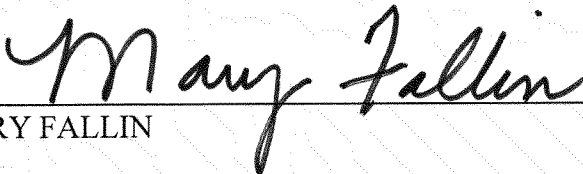
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It is therefore ORDERED that OMES execute its duties under this Resolution in such a manner as to ensure that it does not intentionally or inadvertently delegate its final decision-making authority to the Committee. OMES must execute its duties with respect for all tenants of the Capitol, but it must ensure that the Committee retain its advisory status throughout the repair project.

This Executive Order shall be distributed to the Director of OMES and the Oklahoma Capitol Improvement Authority, who shall cause the provisions of this Order to be implemented as herein directed.

IN WITNESS WHEREOF, I have set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 29th day of May, 2014.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA



MARY FALLIN

ATTEST:



SECRETARY OF STATE